

REMARKS

In the non-final Office Action, the Examiner rejects claims 1-5, 8, 11-12, 14-15, 17-18, 21, 23-24, 26-27, 30-31, and 35-40 under 35 U.S.C. § 102(b) as allegedly anticipated by NORMAN et al. (U.S. Patent No. 6,049,533); rejects claims 6-7 under 35 U.S.C. § 103(a) as allegedly unpatentable over NORMAN et al. in view of BEACH (U.S. Patent Application Publication No. 2007/0109993); rejects claims 9-10 under 35 U.S.C. § 103(a) as allegedly unpatentable over NORMAN et al. in view of BEACH, and further in view of GUNARATNAM et al. (U.S. Patent Application Publication No. 2008/0081622); rejects claims 13 and 22 under 35 U.S.C. § 103(a) as allegedly unpatentable over NORMAN et al. in view of SALOKANNEL et al. (U.S. Patent Application Publication No. 2002/0022455); rejects claims 16 and 25 under 35 U.S.C. § 103(a) as allegedly unpatentable over NORMAN et al. in view of GUNARATNAM et al.; rejects claims 19 and 28 under 35 U.S.C. § 103(a) as allegedly unpatentable over NORMAN et al. in view of KAWABE et al. (U.S. Patent No. 7,187,867); rejects claims 20 and 29 under 35 U.S.C. § 103(a) as allegedly unpatentable over NORMAN et al. in view of KAWABE et al., and further in view of CLARK et al. (U.S. Patent Application Publication No. 2004/0120717); and objects to claims 32-34 as allowable if rewritten into independent form. Applicant respectfully traverses these rejections.

By way of the present amendment, Applicant amends claims 1-8, 10-18, 20-27, 29-31 and 33-40 to improve form and have canceled claims 19, 28 and 32 without prejudice or disclaimer. No new matter has been added. Claims 1-18, 20-27, 29-31 and 33-40 remain pending.

Claims 1-5, 8, 11, 12, 14, 15, 17, 18, 21, 23, 24, 26, 27, 30, 31 and 35-40 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by NORMAN et al. Applicant respectfully traverses this rejection.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. See M.P.E.P. § 2131. NORMAN et al. does not disclose or suggest the combination of features recited in claims 1-5, 8, 11, 12, 14, 15, 17, 18, 21, 23, 24, 26, 27, 30, 31 and 35-40.

Independent claim 1 recites a method of implementing optical channel access in a network comprising a plurality of distributed nodes and a master node, the method comprising: requesting the optical channel access via radio-frequency (RF) messaging from one or more of the plurality of distributed nodes to the master node; granting, from the master node, the optical channel access to another one of the plurality of distributed nodes based on the RF messaging; and establishing an optical channel by steering a first optical aperture to point towards the other one of the plurality of distributed nodes from the one of the plurality of distributed nodes and establishing the optical channel via the first optical aperture. Applicant respectfully submits that NORMAN et al. does not disclose or suggest this combination of features.

For example, NORMAN et al. does not disclose or suggest establishing an optical channel by steering a first optical aperture to point towards another one of the plurality of distributed nodes from the one of the plurality of distributed nodes and establishing the optical channel via the first optical aperture. The Office Action (page 21) indicates that the features previously recited in claim 32 are allowable over the prior art. As a similar feature, of establishing an optical channel by steering a first optical aperture to point towards another one of the plurality of distributed nodes from the one of the plurality of distributed nodes and establishing the optical channel via the first

optical aperture, has now been incorporated into claim 1, Applicant respectfully submits that claim 1 is not anticipated by NORMAN et al.

Accordingly, Applicant respectfully requests the withdrawal of the rejection and allowance of claim 1.

Claims 2-5 and 8 depend from claim 1. Therefore, these claims are not anticipated by NORMAN et al. for at least the reasons given above with respect to claim 1. Accordingly, Applicant requests withdrawal of the rejection and allowance of claim 2-5 and 8.

Like claim 1, independent claims 11, 12, 21, 30 and 40 have also been amended to recite features similar to features previously recited in claim 32. Therefore, Applicant respectfully submits that these claims are not anticipated by NORMAN et al. for at least reasons similar to reasons given above with respect to claim 1. Accordingly, Applicant respectfully requests the withdrawal of the rejection and allowance of claims 11, 12, 21, 30 and 40.

Claims 14, 15, 17, 18, 23, 24, 26, 27, 31 and 35-39 variously depend from independent claims 12, 21 and 30. Therefore, these claims are not anticipated by NORMAN et al. for at least the reasons given above with respect to claim 1. Accordingly, Applicant respectfully requests withdrawal of the rejection and allowance of claims 14, 15, 17, 18, 23, 24, 26, 27, 31 and 35-39.

Claims 6 and 7 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over NORMAN et al. in view of BEACH. Applicant respectfully traverses this rejection.

Claims 6 and 7 depend from claim 1. Without acquiescing in the Examiner's rejection of claims 6 and 7, Applicant submits that the disclosure of BEACH does not remedy the deficiencies in the disclosure of NORMAN et al. set forth above with respect to claim 1. Therefore, claims 6 and 7 are patentable over NORMAN et al. and BEACH, whether taken alone or in any reasonable

combination, for at least the reasons given above with respect to claim 1. Accordingly, Applicant requests withdrawal of the rejection and allowance of claims 6 and 7.

Claims 9 and 10 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over NORMAN et al. and BEACH and further in view of GUNARATNAM et al. Applicant respectfully traverses this rejection.

Claims 9 and 10 depend from claim 1. Without acquiescing in the Examiner's rejection of claims 9 and 10, Applicant submits that the disclosures of BEACH and GUNARATNAM et al. do not remedy the deficiencies in the disclosure of NORMAN et al. set forth above with respect to claim 1. Therefore, claims 9 and 10 are patentable over NORMAN et al., BEACH and GUNARATNAM et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1. Accordingly, Applicant requests withdrawal of the rejection and allowance of claims 9 and 10.

Claims 13 and 22 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over NORMAN et al. in view of SALOKANNEL et al. Applicant respectfully traverses this rejection.

Claims 13 and 22 depend from claims 12 and 21 respectively. Without acquiescing in the Examiner's rejection of claims 13 and 22, Applicant submits that the disclosure of SALOKANNEL et al. does not remedy the deficiencies in the disclosure of NORMAN et al. set forth above with respect to claims 12 and 21. Therefore, claims 13 and 22 are patentable over NORMAN et al. and SALOKANNEL et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claims 12 and 21. Accordingly, Applicant requests withdrawal of the rejection and allowance of claims 13 and 22.

Claims 16 and 25 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over NORMAN et al. in view of GUNARATNAM et al. Applicant respectfully traverses this rejection.

Claims 16 and 25 depend from claims 12 and 21 respectively. Without acquiescing in the Examiner's rejection of claims 16 and 25, Applicant submits that the disclosure of GUNARATNAM et al. does not remedy the deficiencies in the disclosure of NORMAN et al. set forth above with respect to claims 12 and 21. Therefore, claims 16 and 25 are patentable over NORMAN et al. and GUNARATNAM et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claims 12 and 21. Accordingly, Applicant requests withdrawal of the rejection and allowance of claims 16 and 25.

Claims 19 and 28 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over NORMAN et al. in view of KAWABE et al. Applicant respectfully traverses this rejection.

Claims 19 and 28 depend from claims 12 and 21 respectively. Without acquiescing in the Examiner's rejection of claims 19 and 28, Applicant submits that the disclosure of KAWABE et al. does not remedy the deficiencies in the disclosure of NORMAN et al. set forth above with respect to claims 12 and 21. Therefore, claims 19 and 28 are patentable over NORMAN et al. and KAWABE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 12 and 21. Accordingly, Applicant requests withdrawal of the rejection and allowance of claims 19 and 28.

Claims 20 and 29 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over NORMAN et al. and KAWABE et al. and further in view of CLARK et al. Applicant respectfully traverses this rejection.

Claims 20 and 29 depend from claims 12 and 21 respectively. Without acquiescing in the Examiner's rejection of claims 20 and 29, Applicant submits that the disclosure of CLARK et al. does not remedy the deficiencies in the disclosure of NORMAN et al. set forth above with respect to claims 12 and 21. Therefore, claims 20 and 29 are patentable over NORMAN et al., KAWABE et al. and CLARK et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 12 and 21. Accordingly, Applicant requests withdrawal of the rejection and allowance of claims 20 and 29.

As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, reasons to modify a reference and/or to combine references, assertions as to dependent claims, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such assertions/requirements in the future.

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise that could be eliminated through discussions with Applicant's representative, then the Examiner is invited to contact the undersigned by telephone to expedite prosecution of the present application.

Application No. 10/715,738
Amendment dated November 3, 2008
Reply to Office Action of July 3, 2008

Docket No.: BBNT-P01-091

Applicant believes no fee is due with this response other than as reflected on the enclosed Amendment Transmittal. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. BBNT-P01-091 from which the undersigned is authorized to draw.

Dated: November 3, 2008

Respectfully submitted,

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